

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:22-cr-86-2

vs.

HOWARD DARRICK MASON, III,

District Judge Michael J. Newman

Defendant.

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S *PRO SE* MOTION TO
DISMISS (Doc. No. 84)**

This criminal case is before the upon Defendant Howard Darrick Mason III's ("Defendant") *pro se* motion to dismiss. Doc. No. 84. Defendant is represented in this case by highly skilled counsel who, by all appearances, did not participate in drafting or filing Defendant's motion. *See id.* Criminal defendants do not have a constitutional right to proceed both *pro se* and with the assistance of counsel. *See United States v. Mosely*, 810 F.2d 93, 97-98 (6th Cir.1987) (noting that a defendant has a constitutional right to be represented by counsel or to represent himself during his criminal proceedings, but not both); *see also Miller v. United States*, 561 Fed. App'x 485, 488 (6th Cir. 2014). Accordingly, the Court **DENIES WITHOUT PREJUDICE** Defendant's motion to dismiss and will not consider any arguments advanced therein unless Defendant's counsel raises those arguments in a future motion.

IT IS SO ORDERED.

April 22, 2024

s/Michael J. Newman

Hon. Michael J. Newman
United States District Judge